

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

RONAGAL LAMAR OUTLAW

PLAINTIFF

V.

NO. 1:14CV00057-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying a claim for a period of disability and Disability Insurance Benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's ruling from the bench during oral argument, the court finds the ALJ's residual functional capacity ("RFC") determination is not supported by substantial evidence in the record. For example, despite the record being replete with subjective symptoms of pain and "locking" of the hands with increased use and examining physician evidence of "worsening of carpal tunnel syndrome" (Dr. Hector Caballero, March 2013) and "decreased sensation" in both of Plaintiff's hands (Dr. Barbara Fleetwood, March 2013), the ALJ determined the claimant was capable of sedentary jobs that require "frequent" fingering and handling. This is particularly troubling in view of the fact no examining or treating physician assessment supports a finding of such capacity and the fact vocational expert testimony indicates

Plaintiff would not be capable of performing any jobs in the national economy if he retained the ability to handle and finger only on an “occasional” (or less) basis. Accordingly, on remand, the ALJ shall order another consultative examination and obtain a medical source statement. After receiving the additional evidence, the ALJ shall reconsider the claimant’s RFC for the relevant period and, if necessary, obtain additional vocational expert testimony. The ALJ may conduct any additional proceedings not inconsistent with this order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 26th day of November, 2014.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE